



U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF INSPECTOR GENERAL

September 16, 2019

Brian M. McClendon
Lloyd, Gray, Whitehead & Monroe
880 Montclair Rd., Suite 100
Birmingham, AL 35213
bmcclendon@lgwmlaw.com

RE: FOIA Request, Control No.: FI-2019-0046

Dear Mr. McClendon:

This letter is in response to your Freedom of Information Act (FOIA) request, February 14, 2019, sent to the U.S. Department of Transportation (DOT), Office of the Inspector General (OIG). You requested the following records:

"Copies of any and all public records addressing, describing, documenting or discussing Colonial Pipeline Company's ("Colonial"):

1. September 9, 2016 "Pelham Pipeline Spill" designated by PHMSA as Case No. CPF 2-2016-5005H;
2. October 31, 2016 "Colonial Pipeline Explosion" in Helena, Alabama..."

On the enclosed CD-ROM are documents responsive to your request. Some information was redacted or withheld pursuant to exemptions provided by the FOIA (5 U.S.C. §552 (b)(4), (b)(5), (b)(6) & (b)(7)(c)).¹ There were a total of 515 pages responsive to your request, 362 pages were redacted in-full pursuant to the above referenced FOIA exemptions and 25 pages were referred to the below mentioned federal agencies for processing. We are producing to you the remaining 143 pages with redactions.

¹ Exemption 4 protects documents that contain privileged and confidential trade secrets and commercial or financial information. Exemption 5 protects documents that are pre-decisional and a direct part of the deliberative process. Exemption 6 protects names and any data identifying individuals if public disclosure would be a clearly unwarranted invasion of privacy. Exemption 7(C) protects personal information in law enforcement records. It prevents the disclosure of law enforcement information which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Twenty-three (23) pages were found to have originated within the U.S. Department of Transportation, Pipelines & Hazardous Materials Safety Administration (PHMSA). We are referring the 23 pages to PHMSA for their review and direct response to you. You may contact the PHMSA FOIA Office using the following information:

FOIA Requester Service Center
PHMSA FOIA Officer, PHC-30
Office of Chief Counsel
U.S. Department of Transportation, East
1200 New Jersey Ave., SE
Washington, DC 20590
Email: PHMSA.FOIA@dot.gov
Tel: (202) 366-4400
Fax: (202) 366-7041

Two (2) pages of records were found to have originated with the U.S. Environmental Protection Agency (EPA). We are referring the 2 pages to EPA for their review and direct response to you. You may contact the EPA FOIA Office using the following information:

United States Environmental Protection Agency
National Freedom of Information Officer
1200 Pennsylvania Ave., NW, Suite WJCN 5315
Mail Code 2310A
Washington, DC 20640
Email: hq.foia@epa.gov
Tel: (202) 566-1667

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact the DOT OIG FOIA Office to discuss any aspect of your request at:

FOIA Requester Service Center
Office of Inspector General
U.S. Department of Transportation
1200 New Jersey Ave., S.E., 7th Floor West (J3)

Washington, DC 20590

Tel: (202) 366-6131

Fax: (202) 366-1975

You may also contact FOIA Public Liaison, Seth Kaufman at (202) 366-8751, Seth.Kaufman@oig.dot.gov for any further assistance.

If you are not satisfied with the DOT OIG's determination in response to this request, you may administratively appeal by writing to the General Counsel for the Office of Inspector General, Department of Transportation, 7th Floor West (J3), 1200 New Jersey Avenue, S.E. Washington, DC 20590. Appeals to the General Counsel should be prominently marked as a "FOIA Appeal." If you prefer, your appeal may be sent via electronic mail to FOIAAPPEALS@oig.dot.gov. An appeal must be received within 90 days of this determination and should contain any information and arguments you wish to rely on. The General Counsel's determination will be administratively final.

You also have the right to seek dispute resolution services from the FOIA Public Liaison (contact information shown above) or the Office of Government Information Services (<https://ogis.archives.gov>) via phone—202-741-5770 / toll free—1-877-684-6448; fax—202-741-5769; or email—ogis@nara.gov.

Sincerely,

Siera Griffin

Government Information Specialist

Enclosure